From: Steve Jacobs
To: Microsoft ATR
Date: 1/24/02 5:22pm
Subject: Microsoft Settlement

To Whom It May Concern:

This e-mail responds to a request for public comments by the Court hearing the case U.S. v. Microsoft as part of the penalty phase of that litigation.

Two factors insure Microsoft's de facto monopoly of the Operating System market:

1. Most people, businesses and government entities use Microsoft operating systems and associated office products. I must communicate with them. If I cannot communicate, I will suffer economic loss. This is commonly referred to as a network effect and Microsoft has brilliantly exploited it.

2. Microsoft has kept its software file formats and interfaces secret. As a result, competing software developers cannot create programs that interact with Microsoft products in a fully functional way. Thus, an overwhelming majority of computer users have no choice but to use the Microsoft OS and associated office products.

It is my belief, based on observation of Microsoft's past actions, they now wish to extend their reach beyond the PC desktop to control networking protocols for the Internet and act as its gate keeper. This is their ".NET" initiative. This would have devastating consequences for the U.S. economy and security. Microsoft has stifled innovation by its monopolistic practices. Microsoft products are notorious for their lack of security and vulnerability to attack by the technically incompetent.

I propose these remedies:

1) All specifications for present and future Microsoft file formats and Operating System Application Programming Interfaces (API) should be made public. This will help insure that any data or documentation I create will still be available to me in the future. It will also allow others to create programs that can meaningfully compete with Microsoft products. These specifications must be publicly available and made part of the public domain. Restriction to "commercial" entities is simply wrong. Open Source software initiatives should also be allowed to make use of this information. I believe this is essential to insure the long-term the availability and security of my data.

2) Any Microsoft networking protocols must be published in the public domain and approved by an independent standards organization. I suggest the Institute of Electrical and Electronics Engineers (IEEE). Already I see Microsoft limiting access to web sites for users not using Internet Explorer. This remedy would help prevent Microsoft from partitioning the Internet into Microsoft and non-Microsoft spheres.

3) Microsoft products should not be bundled as a hidden cost of buying a computer. The choice of buying a computer without any Microsoft products must be present. The real cost of Microsoft products should be presented to the consumer. Without this, there will not be meaningful competition in the OS marketplace.

4) Microsoft should be prevented from entering into exclusive arrangements with computer vendors. These arrangements have been used as rewards and punishments of computer vendors in the past and

serve only to maintain monopoly status for Microsoft.

Sincerely yours,

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